



Foods, and Defendants have filed a Response in Opposition. Plaintiffs' Motion for Conditional Certification has not been ruled upon.

3. Despite the fact that, procedurally, the case is still an individual, multi-plaintiff case, involving one subsidiary, Flowers/Opelika, and only current and former independent distributors of Flowers/Opelika, Plaintiffs have submitted an extremely broad and unduly burdensome Notice for a 30(b)(6) deposition which would encompass information regarding Flowers Foods. and its 25 subsidiaries even though conditional certification has not been granted. Topics requested include *inter alia* how the independent contractor program was created and instituted at all subsidiaries, and business practices at all such subsidiaries.
4. Flowers Foods seeks a compromise of limiting the scope of the topics and documentation requested which is fully explained and outlined in the supporting brief filed simultaneously herewith.

**WHEREFORE**, Flowers Foods respectfully requests that this Honorable Court GRANT its Motion for a Protective Order limiting the scope of topics and documents requested in Plaintiffs' 30(b)(6) Notice of Videotaped Deposition as set forth in the brief filed herewith.

/s/Sandra B.Reiss

Sandra B. Reiss (ASB-3650-S80S)

Christopher W. Deering (ASB-5555-I71C)

OGLETREE, DEAKINS, NASH,

SMOAK & STEWART, P.C.

One Federal Place, Suite 1000

1819 Fifth Avenue North

Birmingham, Alabama 35203-2118

E-mail: [Sandra.Reiss@odnss.com](mailto:Sandra.Reiss@odnss.com)

E-mail: [Chris.Deering@odnss.com](mailto:Chris.Deering@odnss.com)

Ph. (205) 328-1900

Fax (205) 328-6000

And

Kevin P. Hishta  
Georgia Bar No. 357410  
Admitted *Pro Hac Vice*  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
Bank of America Plaza  
600 Peachtree Street, NE  
Suite 2100  
Atlanta, GA 30308  
E-mail: Kevin.Hishta@ogletreedeakins.com  
Ph. (404) 881-1300  
Fax (404) 870-1732

Counsel for Defendants, Flowers Foods, Inc. and Flowers  
Baking Company of Opelika, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this 31<sup>st</sup> day of October, 2007, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Greg L. Davis, Esq.  
The Law Offices of Greg L. Davis  
6987 Halcyon Park Drive  
Montgomery, AL 36117  
gldavis@knology.net

Joe R. Whatley, Jr., Esq.  
Whatley Drake & Kallas, LLC  
2001 Park Place North  
Suite 1000  
Birmingham, Alabama 35203  
jwhatley@wdklaw.com

Joseph P. Guglielmo, Esq.  
Whatley Drake & Kallas, LLC  
1540 Broadway, 37<sup>th</sup> Floor  
New York, New York 10036  
jguglielmo@wdklaw.com

Amy Lynne Weaver  
Whatley Drake & Kallas, LLC  
2001 Park Place North  
Suite 1000  
Birmingham, Alabama 35203  
[aweaver@wdklaw.com](mailto:aweaver@wdklaw.com)

And I hereby certify that I have mailed by United States, First Class Mail, postage prepaid the document to the following non-CM/ECF participant:

E. Kirk Wood, Esq.  
Wood Law Firm, LLC  
2900 1<sup>st</sup> Avenue South, Suite A  
Birmingham, Alabama 35233

/s/ Sandra B. Reiss  
Sandra B. Reiss

